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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,779	09/26/2003	Richad F. Roth	T0529.70000US	9718

7590 10/13/2004  
Edmund J. Walsh  
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Boston, MA 02210

EXAMINER
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PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,779	<b>Applicant(s)</b> ROTH ET AL.	
	<b>Examiner</b> Chandrika Prasad	<b>Art Unit</b> 2839	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 33-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 33-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/24/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**13, 14 DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-10, 33-42, cancellation of claims 11-32 and addition of claims 43-55 a in the reply filed on 9/2/04 is acknowledged.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 2 recites the limitation "the dust cover" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
7. Claims 49 and 55 are rejected under 35 U.S.C. 101 because these include an apparatus claim combined with a method claim.

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Note: These claims were not examined for prior art rejection.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2, 6-8, 33, 35 and 39-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Bleck et al. (6513989).

Bleck (Figures 1-8) shows an optical connector assembly having an optical connector comprising a plurality of connector elements 13, 14 with housings, each with a mating face with an opening and a cover comprising like modules 6, 7 coupled together and covering the openings of a front facing face of the connector elements. The assembly includes a dust cover 4 (or 52) with a module different from the like modules. The connector is mounted on a backplane 5 and comprises a support member 4 interference fitted into the cover. The cover is mounted on a dummy board 3. The backplane can accept a plurality of daughter boards (not shown). The connector assembly includes members 13, 14 for receiving optical fibers. The cover modules are C-shaped and have arms with latches for engaging the connector housings which are compressible. The cover has a projection extending away from the front mating face. The cover engages the connector housings with a friction-fit.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bleck et al. (6513989) in view of Iwase (6461054).

Bleck shows all the features of this claim except a shutter on the connector element. Such a feature is well known in the art of optical connectors. Iwase shows such a feature. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature to Bleck connector elements because this would protect the optical elements as taught by Iwase.

12. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleck et al. (6513989) in view of Weber (4797123).

Bleck shows all the features of these claims except a complementary engagement features ( holes on one module engaging with projections on the adjacent module). Such a feature is well known in the art of connectors. Weber shows such a feature for a connector assembly. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature to Bleck connector modules because this would provide a means to stack the modules side by side as taught by Weber.

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13. Claims 9-10 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleck et al. (6513989).

Bleck shows all the features of these claims except a compliant mount for the cover and a gasket for the connector elements. These features are well known in the art of optical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features to Bleck connector elements because these would provide seals to protect the optical elements as is well known in the art.

14. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bleck et al. (6513989).

Bleck shows all the features of this claim except the cover module being C-shaped. The instant invention does not provide any specific reason or problem to be solved by such a feature, which is well known in the art of optical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a feature to Bleck cover modules because this would require a mere selection of a shape which involves only routine skill in the art.

15. Claims 36-38, 43-46, 48 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleck et al. (6513989).

Bleck shows all the features of these claims except an adhesive member in the form of a pad with a tab, ring or gel-packs. These features are well known in the art of optical connectors. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide these features to Bleck connector elements

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because these would provide a means to detachable joint the cover to the connector as is well known in the art.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark (3771104), Yang et al. (6652152), Maytasek et al. (6361218), Roth (6079881) and Chaing (2004/0105239).

***Contact Information***

17. Any correspondence to this action may be mailed to:

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.



Chandrika Prasad  
Primary examiner  
October 3, 2004